UNITED
NATIONS

E

Economic and Social Council

Distr.
GENERAL

E/1996/58
29 May 1996

ORIGINAL: ENGLISH

Substantive session of 1996
New York, 24 June-26 July 1996
Item 10 of the provisional agenda*

NON-GOVERNMENTAL ORGANIZATIONS

Report of the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations

I. ORGANIZATION OF THE SESSION

A. Opening and duration of the session

1. The Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations held its third session at United Nations Headquarters from 10 to 23 January 1996 and on 3 May 1996, in accordance with Economic and Social Council resolution 1993/80. The Working Group held five meetings, as well as a number of informal meetings as a drafting group.

B. Agenda and organization of work

2. At its 1st meeting, on 10 January, the Working Group adopted its provisional agenda, contained in document E/AC.70/1996/1. The agenda was as follows:

1. Adoption of the agenda and organization of work.

2. General review of arrangements for consultation with non-governmental organizations.

3. Adoption of the report of the Working Group on its third session.

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C. Attendance

3. Representatives of the following States attended the session: Algeria, Australia, Brazil, Canada, Chile, China, Colombia, Costa Rica, Côte d'Ivoire, Cuba, Egypt, France, Germany, Greece, India, Indonesia, Iran (Islamic Republic of), Ireland, Italy, Japan, Kenya, Malawi, Malaysia, Malta, Mexico, Morocco, Netherlands, New Zealand, Nicaragua, Pakistan, Peru, Philippines, Republic of Korea, Romania, Russian Federation, South Africa, Sri Lanka, Sudan, Sweden, Syrian Arab Republic, Thailand, Trinidad and Tobago, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Venezuela and Viet Nam.

4. The United Nations Educational, Scientific and Cultural Organization also attended the session.

5. The following non-governmental organizations in consultative status with the Economic and Social Council were represented:

Category I

American Association of Retired Persons

International Confederation of Free Trade Unions

International Council of Women

OISCA-International

Society for International Development

Soroptimist International

World Federation of United Nations Associations

Category II

All India Women's Conference

Amnesty International

Human Rights Internet

International Federation of Settlements and Neighbourhood Centres

International Service for Human Rights

Lutheran World Federation

National Aboriginal and Islander Legal Services Secretariat

World Federalist Movement

Roster

Canadian Council for International Cooperation (Commission on Sustainable Development)

Third World Network

World Economy, Ecology and Development Association (Commission on Sustainable Development)

6. The following non-governmental organizations were also represented:

Brazilian Institute of Social and Economic Analyses

Carter Center

Citizen's Network for Sustainable Development

Conference of Non-Governmental Organizations in consultative status with the Economic and Social Council

Cordillera Women's Education and Resource Center

Country Women Association of Nigeria (COWAN)

German Non-Governmental Organization Forum on Environment and Development

Instituto del Tercer Mundo (Third World Network)

Pacific Concerns Resource Centre

United Nations Environment and Development UK Committee

D. Documentation

7. The Working Group had before it the following documents:

(a) Annotated provisional agenda (E/AC.70/1996/1);

(b) Report of the Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations on its second session: compilation of proposals (E/1995/83/Add.1);

(c) Statement submitted by the World Federation of United Nations Associations, a non-governmental organization in consultative status with the Economic and Social Council, category I (E/AC.70/1996/NGO/1);

(d) Statement submitted by World Wide Fund for Nature International, a non-governmental organization in consultative status with the Economic and Social Council (category I); Anti-Slavery Society for the Protection of Human Rights, Habitat International Coalition, International Commission of Jurists, International Service for Human Rights, Lawyers Committee for Human Rights, Netherlands Organization for International Development Cooperation, OXFAM (United Kingdom and Ireland), Service, Justice and Peace in Latin America, and World Student Christian Federation, non-governmental organizations in consultative status with the Economic and Social Council (category II); and

Asian Cultural Forum on Development, International Movement Against Racism and Racial Discrimination, and Women's Environment and Development Organization, non-governmental organizations in consultative status with the Economic and Social Council (Roster) (E/AC.70/1996/NGO/2).

II. GENERAL REVIEW OF ARRANGEMENTS FOR CONSULTATION WITH NON-GOVERNMENTAL ORGANIZATIONS

8. The Working Group considered agenda item 2 at its 1st, 2nd, 3rd and 4th meetings, on 10, 16, 19 and 23 January 1996.

9. At the 1st meeting, on 10 January, Ambassador Jean-Marie Kacou Gervais (Côte d'Ivoire), Vice-President of the Council and Chairman of the informal consultations, made an introductory statement.

10. At the same meeting, statements were also made by two non-governmental organizations in consultative status with the Economic and Social Council (category II), the Lutheran World Federation and the International Service for Human Rights.

11. At the 2nd meeting, on 16 January, the representative of the Conference of Non-Governmental Organizations in consultative status with the Economic and Social Council made a statement.

12. At the same meeting, statements were made by the following non-governmental organizations in consultative status with the Economic and Social Council: World Federation of United Nations Associations and International Confederation of Free Trade Unions (category I); and World Federalist Movement (category II).

13. At the same meeting, statements were made by the following non-governmental organizations accredited to the Commission on Sustainable Development: Cordillera Women's Education and Resource Center, Instituto del Tercer Mundo, and Pacific Concerns Resource Centre.

14. At the 3rd meeting, on 19 January, the Chairman of the informal consultations reported on the status of consultations in the drafting group.

15. At the same meeting, statements were made by the following non-governmental organizations in consultative status with the Economic and Social Council: OISCA-Internaticnal and Soroptimist International (category I); International Federation of Settlements and Neighbourhood Centres (category II); and Brazilian Institute of Social and Economic Analyses (Roster).

16. At the same meeting, a statement was made by the Country Women Association of Nigeria (COWAN), a non-governmental organization accredited to the World Summit for Social Development.

17. At the same meeting, the Chairman of the Working Group made a statement.

18. At the 4th meeting, on 23 January, the Chairman of the informal consultations reported on their status in the drafting group.

19. At the same meeting, the Chairman of the Working Group made a statement.

20. Subsequently, statements were made by the representatives of Costa Rica (on behalf of the States Members of the United Nations that are members of the Group of 77 and of China), Italy (on behalf of the States Members of the United Nations that are members of the European Union), the United States of America, Canada, Mexico, Cuba, Japan, Egypt and the Syrian Arab Republic.

21. Statements were also made by the Director of the Division for Policy Coordination and Economic and Social Council Affairs of the Secretariat and by the Secretary of the Council.

III. ADOPTION OF THE REPORT OF THE WORKING GROUP ON ITS THIRD SESSION

22. At its 4th meeting, on 23 January, the Working Group adopted the draft report (E/AC.70/1996/L.1).

23. At the same meeting, the observer for the Conference of Non-Governmental Organizations in Consultative Status with the Economic and Social Council (CONGO) made a statement.

24. At the 5th meeting, on 3 May, the Chairman of the Working Group made a statement.

25. At the same meeting, statements were made by the representatives of Costa Rica (on behalf of the Group of 77 and China), the Russian Federation, Cuba, Mexico, the Philippines, India, Italy (on behalf of the European Union), Côte d'Ivoire, the Syrian Arab Republic, Kenya, the Netherlands, China, the Sudan, Canada, the Republic of Korea, Algeria, Iran (Islamic Republic of), the United States of America and Pakistan.

26. Also at the same meeting, the Director of the Division for Policy Coordination and Economic and Social Council Affairs, Department for Policy Coordination and Sustainable Development, made a statement and responded to questions raised.

27. At the same meeting, on the proposal of the Chairman, the Working Group adopted the following oral decision:

> The Open-ended Working Group on the Review of Arrangements for Consultation with Non-Governmental Organizations decides to transmit a text (see annex) reflecting the current status of negotiations to the Economic and Social Council at its substantive session of 1996. The Working Group further agrees that the entire results of its work will be transmitted on an ad referendum basis.

28. After the adoption of the decision, the representative of the Sudan made a statement.

Annex

CONSULTATIVE RELATIONSHIP BETWEEN THE UNITED NATIONS AND NON-GOVERNMENTAL ORGANIZATIONS 1/

The Economic and Social Council,

Recalling Article 71 of the Charter of the United Nations,

Recalling its resolution 1993/80 of 30 July 1993, in which it requested a general review of arrangements for consultation with non-governmental organizations, with a view to updating, if necessary, Council resolution 1296 (XLIV) of 23 May 1968, as well as introducing coherence in the rules governing the participation of non-governmental organizations in international conferences convened by the United Nations, and also an examination of ways and means of improving practical arrangements for the work of the Committee on Non-Governmental Organizations and the Non-Governmental Organization Section of the Secretariat,

Recalling also its decision 1995/304 of 26 July 1995,

Confirming the need to take into account the full diversity of the non-governmental organizations at the national, regional and international levels,

Acknowledging the breadth of non-governmental organizations' expertise and the capacity of non-governmental organizations to support the work of the United Nations,

Taking into account the changes in the non-governmental sector, including the emergence of a large number of national and regional organizations,

Calling upon the governing bodies of the relevant organizations, bodies and specialized agencies of the United Nations system to examine the principles and practices relating to their consultations with non-governmental organizations and to take action, as appropriate, to promote coherence in the light of the provisions of the present resolution,

Approves the following update to the arrangements set out in its resolution 1296 (XLIV) of 23 May 1968:

1/ The present text reflects the status of negotiations as of 3 May 1996. Pending text is in boldface.

ARRANGEMENTS FOR CONSULTATION WITH
NON-GOVERNMENTAL ORGANIZATIONS

Part I

PRINCIPLES TO BE APPLIED IN THE ESTABLISHMENT
OF CONSULTATIVE RELATIONS

The following principles shall be applied in establishing consultative relations with non-governmental organizations:

1. The organization shall be concerned with matters falling within the competence of the Economic and Social Council and its subsidiary bodies with respect to international economic, social, environmental, cultural, educational, health, scientific, technological and related matters and to humanitarian and human rights questions.

1.1. The whole United Nations system, including United Nations bodies and conferences, dealing not only with economic, social, and sustained economic growth and sustainable development issues but also with disarmament, finance, trade, law, humanitarian issues and human rights questions, should be open to participation by non-governmental organizations.

2. The aims and purposes of the organization shall be in conformity with the spirit, purposes and principles of the Charter of the United Nations.

3. The organization shall undertake to support the work of the United Nations and to promote knowledge of its principles and activities, in accordance with its own aims and purposes and the nature and scope of its competence and activities.

3.1. Except where expressly stated otherwise, the term organization will refer to non-governmental organizations at the national, subregional, regional or international levels.

3.2. Consultative relationships may be established with international, regional, subregional and national organizations, in conformity with the Charter of the United Nations and the principles and criteria established under the present resolution. The Committee, in considering applications for consultative status, should ensure, to the extent possible, participation of non-governmental organizations from all regions, and particularly from developing countries, in order to help achieve a just, balanced, effective and genuine involvement of non-governmental organizations from all regions and areas of the world. The Committee shall also pay particular attention to non-governmental organizations which have special expertise or experience upon which the Council may wish to draw.

3.3. Greater participation of non-governmental organizations from developing countries in international conferences convened by the United Nations should be encouraged.

3.3 bis. Greater involvement of non-governmental organizations from countries with economies in transition should be encouraged.

3.4. Regional, subregional and national organizations, including those affiliated to an international organization already in status, may be admitted provided that they can demonstrate that their programme of work is of direct relevance to the aims and purposes of the United Nations and, in the case of national organizations, after consultation with the Member State concerned. The views expressed by the Member State, if any, shall be communicated to the non-governmental organization concerned, which shall have the opportunity to respond to those views through the Committee on Non-Governmental Organizations.

4. The organization shall be of recognized standing within the particular field of its competence or of a representative character. Where there exist a number of organizations with similar objectives, interests and basic views in a given field, they may, for the purposes of consultation with the Council, form a joint committee or other body authorized to carry on such consultation for the group as a whole.

5. The organization shall have an established headquarters, with an executive officer. It shall have a democratically adopted constitution. a copy of which shall be deposited with the Secretary-General of the United Nations, and which shall provide for the determination of policy by a conference, congress or other representative body, and for an executive organ responsible to the policy-making body.

6. The organization shall have authority to speak for its members through its authorized representatives. Evidence of this authority shall be presented, if requested.

7. The organization shall have a representative structure and possess appropriate mechanisms of accountability to its members, who shall exercise effective control over its policies and actions through the exercise of voting rights or other appropriate democratic and transparent decision-making processes. Any such organization which is not established by a governmental entity or intergovernmental agreement shall be considered as a non-governmental organization for the purpose of these arrangements, including organizations which accept members designated by governmental authorities, provided that such membership does not interfere with the free expression of views of the organization.

8. The basic resources of the organization shall be derived in the main part from contributions of the national affiliates or other components or from individual members. Where voluntary contributions have been received, their amounts and donors shall be faithfully revealed to the Council Committee on Non-Governmental Organizations. Where, however, the above criterion is not fulfilled and an organization is financed from other sources, it must explain to the satisfaction of the Committee its reasons for not meeting the requirements laid down in this paragraph. Any financial contribution or other support, direct or indirect, from a Government to the organization shall be openly declared to the Committee through the Secretary-General and fully recorded in

the financial and other records of the organization and shall be devoted to purposes in accordance with the aims of the United Nations.

9. Deleted. Alternatives #1 and #2 in E/1995/83/Add.1 also deleted.

10. Deleted.

11. In considering the establishment of consultative relations with a non-governmental organization, the Council will take into account whether the field of activity of the organization is wholly or mainly within the field of a specialized agency, and whether or not it could be admitted when it has, or may have, a consultative arrangement with a specialized agency.

11.1. The granting, suspension and withdrawal of consultative status, as well as the interpretation of norms and decisions relating to this matter, are the prerogative of Member States exercised through the Economic and Social Council and its Committee on Non-Governmental Organizations. A non-governmental organization applying for general or special consultative status or a listing on the Roster shall have the opportunity to respond to any objections being raised in the Committee before the Committee takes its decision.

11.2. The provisions of the present resolution shall apply to the United Nations regional commissions and their subsidiary bodies mutatis mutandis.

11.3. Deleted.

11.4. Reflected as the last preambular paragraph of the draft resolution.

11.5. In recognizing the evolving relationship between the United Nations and non-governmental organizations, the Economic and Social Council, in consultation with the Committee on Non-Governmental Organizations, will consider reviewing the consultative arrangements as and when necessary to facilitate, in the most effective manner possible, the contributions of non-governmental organizations to the work of the United Nations.

Part II

PRINCIPLES GOVERNING THE NATURE OF THE CONSULTATIVE ARRANGEMENTS

12. A clear distinction is drawn in the Charter of the United Nations between participation without vote in the deliberations of the Council and the arrangements for consultation. Under Articles 69 and 70, participation is provided for only in the case of States not members of the Council, and of specialized agencies. Article 71, applying to non-governmental organizations, provides for suitable arrangements for consultation. This distinction, deliberately made in the Charter, is fundamental and the arrangements for consultation should not be such as to accord to non-governmental organizations the same rights of participation as are accorded to States not members of the Council and to the specialized agencies brought into relationship with the United Nations.

13. The arrangements should not be such as to overburden the Council or transform it from a body for coordination of policy and action, as contemplated in the Charter, into a general forum for discussion.

14. Decisions on arrangements for consultation should be guided by the principle that consultative arrangements are to be made, on the one hand, for the purpose of enabling the Council or one of its bodies to secure expert information or advice from organizations having special competence in the subjects for which consultative arrangements are made, and, on the other hand, to enable international, regional, subregional and national organizations which represent important elements of public opinion to express their views. Therefore, the arrangements for consultation made with each organization should relate to the subjects for which that organization has a special competence or in which it has a special interest. The organizations given consultative status should be limited to those whose activities in fields set out in paragraph 1 above qualify them to make a significant contribution to the work of the Council and should, in sum, as far as possible reflect in a balanced way the major viewpoints or interests in these fields in all areas and regions of the world.

Part III

ESTABLISHMENT OF CONSULTATIVE RELATIONSHIPS

15. In establishing consultative relationships with each organization, regard shall be had to the nature and scope of its activities and to the assistance it may be expected to give to the Council or its subsidiary bodies in carrying out the functions set out in Chapters IX and X of the Charter of the United Nations.

16. In establishing consultative relations with organizations, the Council will distinguish between:

(a) Organizations which are concerned with most of the activities of the Council and its subsidiary bodies and can demonstrate to the satisfaction of the Council that they have substantive and sustained contributions to make to the achievement of the objectives of the United Nations in the fields as set out in paragraph 1 above, and are closely involved with the economic and social life of the peoples of the areas they represent and whose membership, which should be considerable, is broadly representative of major segments of society in a large number of countries in different regions of the world (to be known as organizations in general consultative status);

(b) Organizations which have a special competence in, and are concerned specifically with, only a few of the fields of activity covered by the Council and its subsidiary bodies, and which are known within the fields for which they have or seek consultative status (to be known as organizations in special consultative status).

17. Organizations accorded special consultative status because of their interest in the field of human rights and humanitarian assistance should have a general international concern with this matter, not restricted to the interests

of a particular group of persons, a single nationality or the situation in a single State or restricted group of States. Special consideration shall be given to the applications of organizations in this field whose aims place stress on combating colonialism, xenophobia, racism, racial discrimination and ethnic cleansing and other gross violations of human rights and fundamental freedoms. (G-77)

- Australia/US propose deleting paragraph 17 of Council resolution 1296 (XLIV) and the proposed alternatives to it.

- EU withdraws its proposal (Alternative #1 in E/1995/83/Add.1) and supports the Australian/US proposal.

18. Major organizations one of whose primary purposes is to promote the aims, objectives and purposes of the United Nations and a furtherance of the understanding of its work may be accorded consultative status.

19. Other organizations which do not have general or special consultative status but which the Council, or the Secretary-General of the United Nations in consultation with the Council or its Committee on Non-Governmental Organizations, considers can make occasional and useful contributions to the work of the Council or its subsidiary bodies or other United Nations bodies within their competence shall be included in a list (to be known as the Roster). This list may also include organizations in consultative status or similar relationship with a specialized agency or a United Nations body. These organizations shall be available for consultation at the request of the Council or its subsidiary bodies. The fact that an organization is on the Roster shall not in itself be regarded as a qualification for general or special consultative status should an organization seek such status.

Part IV

CONSULTATION WITH THE COUNCIL

Provisional agenda

20. The provisional agenda of the Council shall be communicated to organizations in general consultative status and special consultative status and to those on the Roster.

21. Organizations in general consultative status may propose to the Council Committee on Non-Governmental Organizations that the Committee request the Secretary-General to place items of special interest to the organizations on the provisional agenda of the Council.

Attendance at meetings

22. Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the Council and its subsidiary bodies. Those on the Roster may have

representatives present at such meetings concerned with matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.

Written statements

23. Written statements relevant to the work of the Council may be submitted by organizations in general consultative status and special consultative status on subjects in which these organizations have a special competence. Such statements shall be circulated by the Secretary-General of the United Nations to the members of the Council, except those statements which have become obsolete, for example, those dealing with matters already disposed of and those which had already been circulated in some other form.

24. The following conditions shall be observed regarding the submission and circulation of such statements:

(a) The written statement shall be submitted in one of the official languages.

(b) It shall be submitted in sufficient time for appropriate consultation to take place between the Secretary-General and the organization before circulation.

(c) The organization shall give due consideration to any comments which the Secretary-General may make in the course of such consultation before transmitting the statement in final form.

(d) A written statement submitted by an organization in general consultative status will be circulated in full if it does not exceed 2,000 words. Where a statement is in excess of 2,000 words, the organizations shall submit a summary which will be circulated or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon a specific request of the Council or its Committee on Non-Governmental Organizations.

Alternative #2: Australia/Canada propose inserting "or special consultative status" before "will be circulated in full" in the first sentence. **PENDING**

Alternative #3: G-77 proposes retaining the text of subparagraph (d) of Council resolution 1296 (XLIV), leaving the number of words to be determined. **PENDING**

(e) A written statement submitted by an organization in special consultative status or on the Roster will be circulated in full if it does not exceed 500 words. Where a statement is in excess of 500 words, the organization shall submit a summary which will be circulated; such statements will be circulated in full, however, upon

a specific request of the Council or its Committee on Non-Governmental Organizations.

Alternative #2: Australia/Canada propose deleting "in special consultative status or" in the first sentence. **PENDING**

Alternative #3: G-77 proposes retaining the text of subparagraph (e) of Council resolution 1296 (XLIV), leaving the number of words to be determined. **PENDING**

(f) The Secretary-General, in consultation with the President of the Council, or the Council or its Committee on Non-Governmental Organizations, may invite organizations on the Roster to submit written statements. The provisions of subparagraphs (a), (b), (c) and (e) above shall apply to such statements.

Alternative #1: Australia/Canada propose deleting subparagraph 24 (f) of Council resolution 1296 (XLIV), provided subparagraph 24 (e) covers the non-governmental organizations on the Roster. **PENDING**

Alternative #2: The Secretary-General, in consultation and with the approval of the Bureau of the Council, or the Council or its Committee on Non-Governmental Organizations, may invite organizations on the Roster to submit written statements. The provisions of subparagraphs (a), (b), (c) and (e) above shall apply to such statements. (G-77) **PENDING**

(g) A written statement or summary, as the case may be, will be circulated by the Secretary-General in the working languages, and, upon the request of a member of the Council, in any of the official languages.

Oral presentations during meetings

25. (a) The Council Committee on Non-Governmental Organizations shall make recommendations to the Council as to which organizations in general consultative status should make an oral presentation to the Council and on which items they should be heard. Such organizations shall be entitled to make one statement to the Council, subject to the approval of the Council. In the absence of a subsidiary body of the Council with jurisdiction in a major field of interest to the Council and to organizations in general consultative status, the Committee may recommend that organizations in general consultative status be heard by the Council on the subject in its field of interest.

(b) Whenever the Council discusses the substance of an item proposed by a non-governmental organization in general consultative status and included in the agenda of the Council, such an organization shall be entitled to present orally to the Council, as appropriate, an introductory statement of an expository nature. Such an organization may be invited by the President of the Council, with the consent of the relevant body, to make, in the course of the discussion of the

item before the Council, an additional statement for purposes of clarification.

Part V

CONSULTATION WITH COMMISSIONS AND OTHER SUBSIDIARY ORGANS OF THE COUNCIL

Provisional agenda

26. The provisional agenda of sessions of commissions and other subsidiary organs of the Council shall be communicated to organizations in general consultative status and special consultative status and those on the Roster.

27. Organizations in general consultative status may propose items for the provisional agenda of commissions, subject to the following conditions:

Alternative #2 to the introductory sentence: Australia/Canada propose inserting "and special consultative status" before "may propose items". **PENDING**

(a) An organization which intends to propose such an item shall inform the Secretary-General of the United Nations at least sixty-three days before the commencement of the session and before formally proposing an item shall give due consideration to any comments the Secretary-General may make.

(b) The proposal shall be formally submitted with the relevant basic documentation not later than forty-nine days before the commencement of the session. The item shall be included in the agenda of the commission if it is adopted by a two thirds majority of those present and voting.

Attendance at meetings

28. Organizations in general consultative status and special consultative status may designate authorized representatives to sit as observers at public meetings of the commissions and other subsidiary organs of the Council. Organizations on the Roster may have representatives present at such meetings which are concerned with matters within their field of competence. These attendance arrangements may be supplemented to include other modalities of participation.

Written statements

29. Written statements relevant to the work of the commissions or other subsidiary organs may be submitted by organizations in general consultative status and special consultative status on subjects for which these organizations have a special competence. Such statements shall be circulated by the Secretary-General to members of the commission or other subsidiary organs,

except those statements which have become obsolete, for example, those dealing with matters already disposed of and those which have already been circulated in some other form to members of the commission or other subsidiary organs.

Alternative #2: Australia/Canada propose inserting "by organizations in general consultative status, special consultative status and those on the Roster" after "may be submitted" in the first sentence. **PENDING**

Alternative #3: **DELETED** (as per "Understanding" of 28 February 1996). [Japan/US/Russian Federation propose inserting "Subject to available resources" at the beginning of the second sentence.]

30. The following conditions shall be observed regarding the submission and circulation of such written statements:

(a) The written statement shall be submitted in one of the official languages.

(b) It shall be submitted in sufficient time for appropriate consultation to take place between the Secretary-General and the organization before circulation.

(c) The organization shall give due consideration to any comments which the Secretary-General may make in the course of such consultation before transmitting the statement in final form.

(d) A written statement submitted by an organization in general consultative status will be circulated in full if it does not exceed 2,000 words. Where a statement is in excess of 2,000 words, the organization shall submit a summary, which will be circulated, or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon the specific request of the commission or other subsidiary organs.

Alternative #2: Australia/Canada propose inserting "and special consultative status" before "will be circulated" in the first sentence. **PENDING**

Alternative #3: G-77 proposes leaving the number of words to be determined. **PENDING**

(e) A written statement submitted by an organization in special consultative status will be circulated in full if it does not exceed 1,500 words. Where a statement is in excess of 1,500 words, the organization shall submit a summary, which will be circulated, or shall supply sufficient copies of the full text in the working languages for distribution. A statement will also be circulated in full, however, upon the specific request of the commission or other subsidiary organs.

Alternative #2: Australia/Canada propose inserting "or on the Roster" before "will be circulated" **PENDING**

(f) The Secretary-General, in consultation with the Chairman of the relevant commission or other subsidiary organ, or the commission or other subsidiary organ itself, may invite organizations on the Roster to submit written statements. The provisions in subparagraphs (a), (b), (c) and (e) above shall apply to such statements.

Alternative #1: Australia/Canada propose deleting subparagraph 30 (f) of Council resolution 1296 (XLIV), provided that subparagraph 30 (e) covers non-governmental organizations on the Roster. **PENDING**

Alternative #2: The Secretary-General, in consultation and with the approval of the Bureau of the relevant commission or other subsidiary organ, or the commission or other subsidiary organ itself, may invite organizations on the Roster to submit written statements. The provisions in subparagraphs (a), (b), (c) and (e) above shall apply to such statements. (G-77) **PENDING**

(g) A written statement or summary, as the case may be, will be circulated by the Secretary-General in the working languages and, upon the request of a member of the commission or other subsidiary organ, in any of the official languages.

Oral presentations during meetings

31. (a) The commission or other subsidiary organs may consult with organizations in general consultative status and special consultative status either directly or through a committee or committees established for the purpose. In all cases, such consultations may be arranged on the request of the organization.

Alternative #2: **DELETED**. [The original read as follows: "Canada proposes replacing 'may' by 'shall normally' in the first sentence."]

Alternative #3: Australia/Canada propose inserting "and those on the Roster" before "either directly" in the first sentence. **PENDING**

(b) On the recommendation of the Secretary-General and at the request of the commission or other subsidiary organs, organizations on the Roster may also be heard by the commission or other subsidiary organs.

Australia/Canada propose deleting subparagraph (b) provided subparagraph (a) is amended. **PENDING**

Special studies

32. Subject to the relevant rules of procedure on financial implications, a commission or other subsidiary organ may recommend that an organization which

has special competence in a particular field should undertake specific studies or investigations or prepare specific papers for the commission. The limitations of paragraphs 30 (d) and (e) above shall not apply in this case.

Part VI

CONSULTATIONS WITH AD HOC COMMITTEES OF THE COUNCIL

33. The arrangements for consultation between ad hoc committees of the Council authorized to meet between sessions of the Council and organizations in general consultative status and special consultative status and on the Roster shall follow those approved for commissions of the Council, unless the Council or the committee decides otherwise.

Part VII

PARTICIPATION OF NON-GOVERNMENTAL ORGANIZATIONS IN INTERNATIONAL CONFERENCES CONVENED BY THE UNITED NATIONS AND THEIR PREPARATORY PROCESS

New paragraph:

Where non-governmental organizations have been invited to participate in an international conference convened by the United Nations, their accreditation is the prerogative of Member States, exercised through the respective preparatory committee. Such accreditation should be preceded by an appropriate process to determine their eligibility.

The rules for non-governmental participation in all international conferences convened by the United Nations should have an overall general framework. Non-governmental organisations should participate in United Nations conferences dealing not only with economic, social, and sustained economic growth and sustainable development issues but also those dealing with disarmament, finance, trade, law, humanitarian issues and human rights questions. (G-77)

34. Non-governmental organizations in general consultative status, special consultative status and on the Roster which express their wish to attend the international conferences convened by the United Nations in the economic, social and related fields, and the meetings of the preparatory bodies of said conferences, shall be accredited for participation. Other non-governmental organizations wishing to be accredited may apply to the secretariat of the conference for this purpose in accordance with the following requirements.

- **G-77 proposes deleting the phrase "in the economic, social and related fields" so as to bring the text in line with the title of Part VII.**

- **EU proposes retaining the text as is.**

- **Russian Federation proposes:**

Under Articles 62 and 71 of the Charter of the United Nations, the Economic and Social Council may invite non-governmental organizations in general consultative status, special consultative status and on the Roster which express their wish to attend the international conferences convened by the United Nations in the economic, social and related fields. Due to their established consultative relations with the Council, these organizations shall be accredited for participation. Other non-governmental organizations wishing to be accredited may apply to the secretariat of the conference for this purpose in accordance with the following requirements.

34.1. The secretariat of the conference shall be responsible for the receipt and preliminary evaluation of requests from non-governmental organizations for accreditation to the conference and its preparatory process. In the discharge of its functions, the secretariat of the conference shall work in close cooperation and coordination with the Non-Governmental Organizations Section of the Secretariat, and shall be guided by the relevant provisions of Council resolution 1296 (XLIV) as updated.

34.2. All such applications must be accompanied by information on the competence of the organization and the relevance of its activities to the work of the conference and its preparatory committee, with an indication of the particular areas of the conference agenda and preparations to which such competence and relevance pertain, and should include, inter alia, the following information:

(a) The purpose of the organization;

(b) Information as to the programmes and activities of the organization in areas relevant to the conference and its preparatory process and the country or countries in which they are carried out. Non-governmental organizations seeking accreditation shall be asked to confirm their interest in the goals and objectives of the conference;

(c) Confirmation of the activities of the organization at the national, regional or international level;

(d) Copies of the annual or other reports of the organization with financial statements, and a list of financial sources and contributions, including governmental contributions;

(e) A list of members of the governing body of the organization and their countries of nationality;

(f) A description of the membership of the organization, indicating the total number of members, the names of organizations which are members and their geographical distribution;

(g) A copy of the constitution and/or by-laws of the organization.

34.3. In the evaluation of the relevance of applications of non-governmental organizations for accreditation to the conference and its preparatory process,

it is agreed that a determination will be made based on their background and involvement in the subject areas of the conference.

34.4. The secretariat shall publish and disseminate to Member States on a periodic basis the updated list of applications received. Member States may submit comments on any of the applications on the list fourteen days from receipt of the above-mentioned list by Member States. The comments of Member States shall be communicated to the non-governmental organization concerned, which shall have the opportunity to respond.

34.5. In cases where the secretariat believes, on the basis of the information provided in accordance with the present resolution, that the organization has established its competence and the relevance of its activities to the work of the preparatory committee, it will recommend to the preparatory committee that the organization be accredited. In cases where the secretariat does not recommend the granting of accreditation, it will make available to the preparatory committee its reasons for not doing so. The secretariat should ensure that its recommendations are available to members of the preparatory committee at least one week prior to the start of each session. The secretariat must notify such applicants of the reasons for non-recommendation and provide an opportunity to respond to objections and furnish additional information as may be required.

34.6. The preparatory committee will decide on all recommendations for accreditation within twenty-four hours after the recommendations of the secretariat have been taken up by the preparatory committee in plenary meeting. In the event of a decision not being taken within this period, interim accreditation shall be accorded until such time as a decision is taken.

34.7. The final decision on application upon which commentaries have been received may be based on the conclusions made by an open-ended working group established for this purpose by the preparatory committee, if deemed necessary. Interim accreditation may not be accorded in these cases.

34.8. A non-governmental organization that has been granted accreditation to attend a session of the preparatory committee, including related preparatory meetings of regional commissions, may attend all its future sessions, as well as the conference itself.

34.9. In recognition of the intergovernmental nature of the conference, non-governmental organizations shall have no negotiating role in the work of the conference and its preparatory process.

- Russian Federation proposes deleting this paragraph.

- G-77 proposes retaining the paragraph and adding "whose contributions are highly welcomed" between the words "organizations" and "shall".

- EU agrees with the proposal to delete this paragraph but also suggests, in the spirit of compromise, the following text: **The conference and its preparatory process are of an intergovernmental nature, and active participation of non-governmental organizations**

therein, while welcome, does not entail a direct negotiating role for non-governmental organizations in this process.

34.10. The non-governmental organizations accredited to the international conference may be given, in accordance with established United Nations practice and at the discretion of the chairperson and the consent of the body concerned, an opportunity to briefly address the preparatory committee and the conference in plenary meetings and their subsidiary bodies.

34.11. Non-governmental organizations accredited to the conference may make written presentations during the preparatory process in the official languages of the United Nations as they deem appropriate. Those written presentations will not be issued as official documents except in accordance with United Nations rules of procedure.

34.12. Non-governmental organizations without consultative status that participate in international conferences and wish to obtain consultative status later on should apply through the normal procedures established under Council resolution 1296 (XLIV) as updated. Recognizing the importance of the participation of non-governmental organizations that attend a conference in the follow-up process, the Committee on Non-Governmental Organizations, in considering their application, shall draw upon the documents already submitted by that organization for accreditation to the conference and any additional information submitted by the non-governmental organization supporting its interest, relevance and capacity to contribute to the implementation phase. The Committee shall review such applications as expeditiously as possible so as to allow participation of the respective organization in the implementation phase of the conference. In the interim, the Economic and Social Council shall decide on the participation of non-governmental organizations accredited to an international conference in the work of the relevant functional commission on the follow-up to and implementation of that conference.

34.13. The suspension and withdrawal of the accreditation of non-governmental organizations to **the relevant** United Nations international conferences at all stages shall be guided by the relevant provisions of the present resolution. (previously paragraph 38.1)

Part VIII

SUSPENSION AND WITHDRAWAL OF CONSULTATIVE STATUS

35. Organizations granted consultative status by the Council and those on the Roster shall conform at all times to the principles governing the establishment and nature of their consultative relations with the Council. In periodically reviewing the activities of non-governmental organizations on the basis of the reports submitted under paragraph 40 (b) below and other relevant information, the Council Committee on Non-Governmental Organizations shall determine the extent to which the organizations have complied with the principles governing consultative status and have contributed to the work of the Council, and may recommend to the Council suspension or exclusion from consultative status of

organizations which have not met the requirements for consultative status as set forth in the present resolution.

35.1. In cases where the Committee on Non-Governmental Organizations has decided to recommend that the general or special consultative status of a non-governmental organization or its listing on the Roster be suspended or withdrawn, the non-governmental organization concerned shall be given written reasons for that decision and shall have an opportunity to present its response for appropriate consideration by the Committee as expeditiously as possible.

- Russian Federation expresses reservations on this paragraph.

36. The consultative status of non-governmental organizations with the Economic and Social Council and the listing of those on the Roster shall be suspended up to three years or withdrawn in the following cases:

(a) G-77 proposes:

If there exists substantiated evidence of overt and covert governmental financial influence or otherwise to induce an organization to undertake acts contrary to the purposes and principles of the Charter of the United Nations, or substantiated evidence of influence from proceeds resulting from criminal activities, such as the illicit drugs trade, money laundering or the illegal arms trade;

EU proposes:

If there exists substantiated evidence of secret governmental financial influence or substantiated evidence of influence from proceeds of criminal activities, such as the illicit drugs trade, money laundering or the illegal arms trade, to induce an organization to undertake acts contrary to the purposes and principles of the Charter of the United Nations;

(b) If the organization clearly abuses its consultative status by systematically engaging in unsubstantiated or politically motivated acts against States Members of the United Nations contrary to and incompatible with the principles of the Charter;

- EU suggests utilizing paragraph 36 (b) of Council resolution 1296 (XLIV) and adding to it the underlined text below:

If the organization clearly abuses its consultative status by systematically engaging in unsubstantiated or politically motivated acts against States Members of the United Nations contrary to and incompatible with the principles of the Charter <u>or extends these rights and privileges to another organization which engages systematically in such activities</u>;

- G-77 proposes utilizing paragraph 36 (b) of Council resolution 1296 (XLIV) and adding to it the underlined text below:

If the organization clearly abuses its consultative status by systematically engaging in unsubstantiated or politically motivated acts against States Members of the United Nations contrary to and incompatible with the principles of the Charter or extends the rights and privileges to other organizations and groups which engage in such activities;

(c) If, within the preceding three years, an organization had not made any positive or effective contribution to the work of the United Nations and, in particular, of the Council or its commissions or other subsidiary organs;

(d) (NEW) Non-governmental organizations in consultative status with the Economic and Social Council shall be suspended or withdrawn if the organization extends its rights and privileges to individuals or groups whose activities run contrary to the principles governing the granting of consultative status by the Economic and Social Council or are not in full conformity with the principles governing the nature of consultative arrangements. (G-77)

(e) (NEW) If organizations are not committed to the principles and purposes of the Charter of the United Nations through misuse of the privileges of non-governmental organizations with consultative status with the Economic and Social Council. (G-77)

37. The consultative status of organizations in general consultative status and special consultative status and the listing of those on the Roster will be suspended or withdrawn by the decision of the Economic and Social Council on the recommendation of its Committee on Non-Governmental Organizations.

38. An organization whose consultative status or whose listing on the Roster is withdrawn may be entitled to reapply for consultative status or for inclusion on the Roster not sooner than three years after the effective date of such withdrawal.

38.1. Paragraph moved to Part VII (para. 34.13).

Part IX

COUNCIL COMMITTEE ON NON-GOVERNMENTAL ORGANIZATIONS

39. The members of the Committee on Non-Governmental Organizations shall be elected by the Council on the basis of equitable geographical representation, in accordance with the relevant Council resolutions 2/ and rules of procedure of

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2/ Council resolutions 1099 (XL) and 1981/50 and Council decision 1995/304.

the Council. 3/ The Committee shall elect its Chairman and other officers as necessary.

40. The functions of the Committee shall include the following:

One new subparagraph as follows:

The Committee shall be responsible for regular monitoring of the evolving relationship between non-governmental organizations and the United Nations. With a view to fulfilling this responsibility, the Committee shall hold, before each of its sessions, and at other times as necessary, consultations with organizations in consultative status to discuss questions of interest to the Committee or to the organizations relating to the relationship between the non-governmental organizations and the United Nations. A report on such consultations will be transmitted to the Council for appropriate action.

(a) The Committee shall hold its regular session before the substantive session of the Council each year and preferably before the meetings of functional commissions of the Council to consider applications for general consultative status and special consultative status and for listing on the Roster made by non-governmental organizations and requests for changes in status, and to make recommendations thereon to the Council. Upon approval by the Council, the Committee may hold other meetings as required to fulfil its mandated responsibilities. Organizations shall give due consideration to any comments on technical matters which the Secretary-General of the United Nations may make in receiving such applications for the Committee. The Committee shall consider at each such session applications received by the Secretary-General at least six months before the regular session of the Committee on Non-Governmental Organizations, on which sufficient data have been distributed to the members of the Committee not later than six weeks before the applications are to be considered. Reapplication by an organization for status, or a request for a change in status, shall be considered by the Committee at the earliest at its first session in the second year following the session at which the substance of the previous application or request was considered, unless at the time of such consideration it was decided otherwise.

(b) Organizations in general consultative status and special consultative status shall submit to the Council Committee on Non-Governmental Organizations through the Secretary-General every fourth year a brief report of their activities, specifically as regards the support they have given to the work of the United Nations. Based on findings of the Committee's examination of the report and other relevant information, the Committee may recommend to the Council any reclassification in status of the organization concerned as it deems appropriate. However, under exceptional circumstances, the Committee

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3/ Rule 80 of the rules of procedure of the Council.

may ask for such a report from an individual organization in general consultative status or special consultative status or on the Roster, between the regular reporting dates.

(c) The Committee may consult, in connection with sessions of the Council or at such other times as it may decide, with organizations in general consultative status and special consultative status on matters within their competence, other than items on the agenda of the Council, on which the Council or the Committee or the organization requests consultation. The Committee shall report to the Council on such consultations.

(d) The Committee may consult, in connection with any particular session of the Council, with organizations in general consultative status and special consultative status on matters within the competence of the organizations concerning specific items already on the provisional agenda of the Council on which the Council or the Committee or the organization requests consultation, and shall make recommendations as to which organizations, subject to the provisions of paragraph 25 (a) above, should be heard by the Council or the appropriate committee and regarding which subjects should be heard. The Committee shall report to the Council on such consultations.

(e) The Committee shall consider matters concerning non-governmental organizations which may be referred to it by the Council or by commissions.

(f) The Committee shall consult with the Secretary-General, as appropriate, on matters affecting the consultative arrangements under Article 71 of the Charter, and arising therefrom.

(f.1) An organization which applies for consultative status should justify that it has been in existence for at least two years as at the date of receipt of the application by the Secretariat. Evidence of such existence shall be furnished to the Secretariat.

(f.2) **DELETED** (as per "Understanding" of 28 February 1996). [The original read as follows: "The Committee may organize panel discussions, hearings, seminars and invite experts for testimony on current and emerging issues relevant to the work of the United Nations."]

(f.3) **DELETED** (as per "Understanding" of 28 February 1996). [The original read as follows: "The Committee may hold theme-oriented meetings with the participation of concerned NGOs with a view to enhancing their contribution to the work of the Council and its subsidiary bodies on the full range of their activities including policy analysis, advocacy and operational collaboration."]

41. The Committee, in considering a request from a non-governmental organization in general consultative status that an item be placed on the agenda of the Council, shall take into account, among other things:

(a) The adequacy of the documentation submitted by the organization;

(b) The extent to which it is considered that the item lends itself to early and constructive action by the Council;

(c) The possibility that the item might be more appropriately dealt with elsewhere than in the Council.

42. Any decision by the Council Committee on Non-Governmental Organizations not to grant a request submitted by a non-governmental organization in general consultative status that an item be placed on the provisional agenda of the Council shall be considered as final unless the Council decides otherwise.

Part X

CONSULTATION WITH THE SECRETARIAT

43. The Secretariat should be so organized as to enable it to carry out the duties assigned to it concerning the consultative arrangements and the accreditation of non-governmental organizations to United Nations international conferences as set forth in the present resolution.

44. All organizations in consultative relationship shall be able to consult with officers of the appropriate sections of the Secretariat on matters in which there is a mutual interest or a mutual concern. Such consultation shall be upon the request of the non-governmental organization or upon the request of the Secretary-General of the United Nations.

45. The Secretary-General may request organizations in general consultative status and special consultative status and those on the Roster to carry out specific studies or prepare specific papers, subject to the relevant financial regulations.

46. The Secretary-General shall be authorized, within the means at his disposal, to offer to non-governmental organizations in consultative relationship facilities which include:

(a) Prompt and efficient distribution of such documents of the Council and its subsidiary bodies as shall in the judgement of the Secretary-General be appropriate;

(b) Access to the press documentation services provided by the United Nations;

(c) Arrangement of informal discussions on matters of special interest to groups or organizations;

(d) Use of the libraries of the United Nations;

(e) Provision of accommodation for conferences or smaller meetings of consultative organizations on the work of the Economic and Social Council;

(f) Appropriate seating arrangements and facilities for obtaining documents during public meetings of the General Assembly dealing with matters in the economic, social and related fields.

Part XI

SECRETARIAT SUPPORT

46.1. Adequate Secretariat support will be required to fulfil the mandate defined for the Committee on Non-Governmental Organizations to carry out the wider range of activities in which the enhanced involvement of non-governmental organizations is envisaged. The Secretary-General is requested to provide the necessary resources for this purpose and to take steps for improving the coordination within the Secretariat of units dealing with non-governmental organizations.

46.2. The Secretary-General is requested to make every effort, including greater use of modern information and communication technology, to improve practical arrangements on such matters as wide and timely dissemination of information on meetings, distribution of documentation, provision of access and transparent, simple and streamlined procedures for the attendance of non-governmental organizations in United Nations meetings and to facilitate their broad-based participation.

46.3. G-77 proposes:

Member States, intergovernmental organizations, non-governmental organizations, and others in a position to do so, are encouraged to facilitate the participation of non-governmental organizations from developing countries in conferences convened by the United Nations, and their follow-up processes, by supporting and making full use of the existing mechanism of the United Nations Non-Governmental Liaison Service (UN-NGLS), and creating new mechanisms.

Canada proposes:

Encourages Governments to make full use of existing mechanisms to support the participation of non-governmental organizations from developing countries in conferences convened by the United Nations.

Japan proposes:

When the participation of non-governmental organizations is deemed quite important for the particular meeting or conference in the economic, social and related fields, it may be recommended that a voluntary/extrabudgetary fund be created for that meeting or conference to facilitate the participation of non-governmental organizations particularly from developing countries with clear terms of reference and after taking the appropriate procedures.

- EU supports the Canadian proposal and proposes moving the paragraph to Part VII.

- Russian Federation proposes adding "and countries with economies in transition" before "in conferences" within the Canadian proposal, or replacing the word "developing" with "less developed" and proposes moving the paragraph to Part VII.

- US supports the Canadian proposal and proposes moving the paragraph to Part VII.

46.4. The Non-Governmental Organizations Section of the Secretariat should be **strengthened/enhanced** through, inter alia, the establishment of an integrated database of non-governmental organizations.

- US proposes adding "within existing resources" at the beginning of the paragraph.

- EU proposes the possible deletion of this paragraph.

46.5. The Secretary-General is requested to make this resolution widely known, through proper channels, to facilitate the involvement of non-governmental organizations from all regions and areas of the world.